PATENT

KL-US050678

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	***Confirmation No. 7520***
Kazumasa Fukazawa et al.	:	
Serial No. 10/681,253	:	
Filed: October 9, 2003	:	
For: BULLDOZER WITH IMPROVED VISIBILITY (As Amended)	:	

DECLARATION OF MASAYUKI MUKAINO UNDER 37 CFR §1.132

I, Masayuki Mukaino, pursuant to 37 CFR §1.132, hereby declare:

1. I am a co-inventor of the invention disclosed in the above-identified application.

2. I am currently a general manager of Small Size Machine Development Group of Komatsu Ltd in Japan. I have been working as an engineer in the construction equipment manufacturing field for the past 27 years. Therefore, I believe I possess experience, skill and knowledge of what one of ordinary skill in the construction equipment manufacturing field would possess.

3. In my professional point of view, when designing a vehicle body and structural layout for a bulldozer, one would ***not*** look into patent documents related to a truck because the arrangement and structure of the vehicle body in a bulldozer is ***completely different*** from those of the vehicle body in a truck.

4. In the conventional bulldozers (e.g., the bulldozer shown in Figure 1 of the present application), the cooling fan of the radiator was directly connected to the engine, and thus, the cooling fan and the radiator could not be disposed far away from the engine. Moreover, even if the cooling fan and the radiator were somehow separated from the engine, one would not consider placing the cooling module behind the cab because there is usually no space in the rear portion of the vehicle frame. In other words, the rear portion of the vehicle frame of the conventional bulldozer is usually occupied by structural elements such as the transmission and the gear train for the steering system. Therefore, one of ordinary skill in the art would not take an arrangement specifically

designed for a truck (e.g., U.S. Patent No. 6,793,028 to Pack, hereinafter "Pack patent") and apply it to a conventional bulldozer, because placing the cooling module in the rear portion of the vehicle is not physically practical in the conventional bulldozer.

5. For the sake of argument, if the cooling fan and the radiator of a conventional bulldozer such as the one shown in Figure 1 of the present application were merely placed in the rear portion of the bulldozer without further modifications, then the operator would still not be able to see the center of the blade. In our new design, the position of the operator's seat and cab are moved forwardly to: (1) create a cooling module recess between the track shoes for receiving the cooling fan and the radiator; and (2) provide the proper advantage point to see the center of the blade from the operator's seat.

6. To my knowledge, the arrangement of the cooling module (i.e., moving the cooling module behind the cab) disclosed in the Pack patent has never been applied to any model of the Caterpillar's bulldozers since the patent application matured in the Pack patent was filed in May, 1999.

7. To my knowledge, none of the bulldozer manufactures has adapted the arrangement of the cooling module (i.e., moving the cooling module behind the cab) disclosed in the Pack patent in the bulldozers since the application matured in the Pack patent was first published in May 2002.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

/Masayuki Mukaino/
Masayuki Mukaino

Dated: July 27, 2008

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